IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

ORIGINAL JURISDICTION

Dated: Nainital the 21st day of October 2003
Bail application Number 914 of 2003
Order on the bail Application of accused.

CRIMINAL SIDE

IIilyas S/o Nishar
R/o village Danpura P.S. Pathri
District Haridwar ...Accused-applicant

Versus

State of Uttaranchal ..Opposite party.

Arising out of case crime No. 11 of 2003
U/Ss 302, 504/34 IPC
P.S. Pathri
District Haridwar

By the Court

Hon'ble Irshad Hussain, J.

Heard Sri K.S. Verma, leaned counsel for the applicant, Sri Rajendra Singh learned counsel for complainant, and learned G.A.

According to the prosecution version the victim Brijendra was set to fire by the miscrients including the applicant-accused. He has been referred to one of the son of Nishar doctor. He was not named in the dying declaration. The name of the applicant-accused was however mentioned on the basis of the fact that the middle son of Nishar doctor was one of the miscrients. Co. accused Ghalib was released on bail but the learned counsel for the complainant submitted that cancellation of the bail is pending before the learned Sessions Judge. However considering the facts and circumstances and the fact that he was not named in the dying declaration the bail application is allowed.

The applicant-accused Iliyas shall be released in crime No. 11 of 2003 under sections 302, 504/34 I.P.C., P.S. Pathri. District Haridwar, on his executing a personal bond and two sureties each in the like amount to the satisfaction of C.J.M., Haridwar.

(**Irshad Hussain, J.)**

Dated: 21.10.2003
ISB